

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ERNEST CRUMP, JR.)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 04-329-SLR
)	
ROBERT MAY, THOMAS RYGIL,)	
VINCE BIANCA, and STAN TAYLOR,)	
)	
Defendants.)	

DEFENDANTS' MOTION TO DISMISS

The State Defendants, by and through undersigned counsel, hereby move this honorable Court to enter an Order dismissing Plaintiff's Complaint pursuant to Fed. R. Civ. P. 12(b) (6) for failure to state a claim upon which relief can be granted. In support of their motion, the Defendants present a Memorandum of Points and Authorities in Support of the Motion to Dismiss filed simultaneously herewith.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Ophelia M. Waters

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Dated: September 12, 2005

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ERNEST CRUMP, JR.

Plaintiff,

v.

ROBERT MAY, THOMAS RYGIL,
VINCE BIANCA, and STAN TAYLOR,

Defendants.

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C.A. No. 04-329-SLR

ORDER

AND NOW, this _____ day of _____, 2005, the Motion to Dismiss filed by state defendants in the above-captioned matter having been duly considered, and any opposition thereto, is granted; and,

IT IS ORDERED that plaintiff's claims against State Defendants be dismissed, with prejudice.

The Honorable Sue L. Robinson, Chief Judge
United States District Court

CERTIFICATE OF SERVICE

I hereby certify that on September 12, 2005, I electronically filed *Defendants' Motion to Dismiss* with the Clerk of Court using CM/ECF. I hereby certify that on September 12, 2005, I have mailed by United States Postal Service, the document to the following non-registered participant: Ernest A. Crump, Jr.; SBI #149221; Delaware Correctional Center; 1181 Paddock Road; Smyrna, DE 19977.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

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